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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,253	02/23/2004	Akihiro Mimoto	CFA00057US	8861

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CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE, CA 92618-3731

EXAMINER

NGUYEN, TUAN HOANG

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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01/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/785,253	Applicant(s) MIMOTO, AKIHIRO	
	Examiner Tuan H. Nguyen	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 8, 16, 17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 9-15, and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 8, 16, 17 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 10/18/2007 with respect to claims 7-8, 16-17, and 19-26 have been considered but are moot in view of the new ground(s) of rejection.
2. Claims 1-6, 9-15, and 18 are canceled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-8, 16-17, and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sculli (U.S PAT. 4,758,836) in view of Shimoji et al. (U.S PAT. 7,065,782 hereinafter "Shimoji").

Consider claims 7 and 16, Sculli teaches a communication comprising: a transmitting device configured to transmit, to at least one other communication

apparatus, an instruction signal instructing to transmit identification information to the communication apparatus (figs. 1, 3A and 3B col. 9 lines 8-44) so that the at least one other communication apparatus generates power for operating itself and decodes a clock from the received instruction signal, in response to receiving the instruction signal from the communication apparatus (figs. 1, 3A and 3B col. 9 lines 8-44, col. 7 lines 44-62 and col. 10 lines 38-41); a receiving device configured to receive identification information of the at least one other communication apparatus from the at least one other communication apparatus after transmitting the instruction signal by said transmitting device (figs. 1, 3A and 3B col. 9 lines 8-44).

Scuilli does not explicitly show that a determining device configured to determine whether the receiving device has received the same identification information a plurality of times; and an outputting device configured to output the identification information received a plurality of times according to a determination result of the determining device.

In the same field of endeavor, Shimoji teaches a determining device configured to determine whether the receiving device has received the same identification information a plurality of times (col. 45 lines 11-24); and an outputting device configured to output the identification information received a plurality of times according to a determination result of the determining device (col. 45 lines 11-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a determining device configured to determine whether the receiving device has received the same identification information a plurality

of times; and an outputting device configured to output the identification information received a plurality of times according to a determination result of the determining device, as taught by Shimoji, in order to provide digital broadcasting system which can achieve the effects of interactive reproduction of received image information in a two-way communication system using image information which is transmitted by a transmitter in a one-way communication system.

Consider claims 8 and 17, Sculli further teaches the transmitting device transmits the transmission instruction signal again according to a determination result of the determining device (col. 14 lines 20-33).

Consider claims 19 and 23, Sculli teaches a communication comprising: a receiving device configured to receive an instruction signal instructing to transmit identification information (figs. 1, 3A and 3B col. 9 lines 8-44); a power generating device configured to generate power for operating the communication apparatus from the instruction signal received by the receiving device (col. 7 lines 44-62 and col. 10 lines 38-41); a clock generating device configured to generate a clock from the instruction signal received by the receiving device (col. 7 lines 44-62 and col. 10 lines 38-41); a counting device configured to count the generated clock (col. 8 lines 26-50); and a transmitting device configured to transmit identification information of the communication apparatus, each time a clock count obtained by the counting device matches one of the numbers selected by the selecting device (col. 5 lines 48-60).

Scuilli does not explicitly show that a selecting device configured to select M different numbers in response to receipt of the instruction signal.

In the same field of endeavor, Shimoji teaches a selecting device configured to select M different numbers in response to receipt of the instruction signal (col. 45 lines 11-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a selecting device configured to select M different numbers in response to receipt of the instruction signal, as taught by Shimoji, in order to provide digital broadcasting system which can achieve the effects of interactive reproduction of received image information in a two-way communication system using image information which is transmitted by a transmitter in a one-way communication system.

Consider claims 20 and 24, Shimoji further teaches a number generating device configured to generate a plurality of numbers, wherein the selecting device selects the plurality of numbers generated by the number generating device (col. 45 lines 11-24).

Consider claims 21 and 25, Shimoji further teaches the number generating device generates the plurality of numbers upon receipt of the instruction signal (col. 47 lines 17-31).

Consider claims 22 and 26, Shimoji further teaches a storing device configured to store L numbers (number of content), where $L > M$, wherein the selecting device selects M numbers from the L numbers stored in the storing device (col. 20 lines 4-12 i.e., the number of content (L) is always greater than the selects numbers (M)).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any response to this action should be mailed to:

Mail Stop _____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Maung Nay A. can be reached on (571)272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2618

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618
T.N.


NAY MAUNG
SUPERVISORY PATENT EXAMINER